

The opinion in support of the decision being entered today was
not written for publication and is not binding precedent of the
Board.

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JAN 30 2004

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KRISTOPHER T. KOHL
and
C. MITCH MEANS

Appeal No. 2003-1596
Application No. 09/658,907

ORDER DISMISSING APPEAL

Before HARKCOM, Acting Chief Administrative Patent Judge,
WILLIAM F. SMITH and JEFFREY V. NASE, Administrative Patent
Judges.

PER CURIAM

On December 30, 2003, counsel for the appellants filed,
a Request for Continued Examination (RCE) under 37 CFR § 1.114.
Pursuant to the notice entitled "Request for Continued Examina-
tion Practice and Changes to Provisional Application Practice,"

Appeal No. 2003-1596
Application 09/658,907

65 Fed. Reg. 50092, 50095 (Aug. 16, 2000) and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.



GARY V. HARKCOM

Acting Chief Administrative Patent Judge)



WILLIAM F. SMITH

Administrative Patent Judge)

) BOARD OF PATENT

) APPEALS AND

) INTERFERENCES



JEFFREY V. NASE

Administrative Patent Judge)

GVH:psb

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